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PART 6—Narcotic Control Board

55. (1) There is hereby established a Narcotics Control Board which shall consist of such officers as maybe appointed by the Council.
(2) The Board shall be under the control and supervision of the Secretary for Interior.
(3) The Secretary may by legislative instrument specify the functions of the Board and provide for all other matters that are necessary for the full and effective implementation of this section.

PART 7 —General

56. Any person who—
(a) attempts to commit any offence under this Law or under any corresponding foreign law;
(b) does any act preparatory to or in furtherance of the commission of any offence under this Law or under any corresponding foreign law; or
(c) abets or is engaged in a criminal conspiracy to commit any offence under this Law or under any corresponding foreign law whether or not the offence is committed, is guilty of the offence and liable to the punishment provided for the offence.

57. (1) Where an offence is committed under this Law or under regulations made thereunder by a body of persons—
(a) in the case of body corporate other than a partnership, every director or an officer of the body shall also be deemed to be guilty of the offence; and
(b) in the case of a partnership every partner or officer of that body shall also be deemed to be guilty of that offence.
(2) No person shall be deemed to be guilty of an offence by virtue of subsection (1) of this section if he proves that the offence was committed without his knowledge or connivance and that he exercised all due care and diligence to prevent the commission of that offence having regard to all circumstances.

58. No notice, notification or other process, issued, served or published, and no order, decision or judgment mad, given, issued served or published under this Law, shall be deemed to be invalid by reason of any error or omission in the description of the property or person mentioned in it if the property or person is identified from the description mentioned

59. The provisions of this Law in so far as they relate to the powers of a police officer shall be in addition to the powers of a police officer officers under any other law relating to criminal procedure; but where there is any inconsistency or conflict between the provisions of this Law and criminal those of any other law the provisions of this Law shall prevail.

60. (1) Any person convicted of an offence under this Law for which no penalty is specifically provided shall be liable in respect of such offence, to a fine not exceeding ₵500,000.00 or to imprisonment for a term not exceeding three years or both.
(2) In any proceedings under this Law a document stating the results of analysis carried out on behalf of the State in respect of any substance suspected to be narcotic drug shall be prima facie evidence of the facts stated therein.

61. (1) The Secretary may by legislative instrument make regulations for the full and effective implementation of this Law.
(2) The Secretary for Health may in consultation with the Secretary make regulations specifying—
(a) class of persons to whom licences may be granted under this Law;
(b) persons entitled to dispense narcotic drugs;
(c) places where such narcotic drugs maybe supplied; and
(d) particulars to be kept by registered suppliers.

62. In this Law, unless the context otherwise requires—

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"authorised police officer" means a police officer authorised by the Attorney-General, the Court, a Public Tribunal or the Inspector-General of Police to discharge any particular function in relation to which the expression is used;

"bank" means a bank licensed under the Banking Law 1989 (PN.D.C.L. 225) or any person carrying on any banking business under any law, a licensed finance company, or any co-operative society registered under the Co-operative Societies Decree 1968 (N.L.C.D. 252);

"banker's books" includes ledgers, day books, cash books, accounts books and all other books and documents used in the ordinary course of the business of a bank;

"corresponding foreign law" or "foreign law corresponding to" means the provision of any law of any country, territory or place outside Ghana which is similar in whole, or in part, or in substance to the Ghanaian law in relation to which the expression is used.

"Council" means the Provisional National Defence Council;

"Court" includes Public Tribunals other than Community Tribunal;

"dealing" includes—

(a) a purchase, sale, loan, charge, mortgage lien, pledge, caveat, transfer, delivery, assignment, subrogation, transmission, gift, donation, trust, settlement, deposit, withdrawal transfer between accounts, extension of credit;

(b) any purchase or sale of any securities, monetary instrument, or other instrument whatsoever by whichever means effected;

(c) any agency or grant of power of attorney; and

(d) any other disposition or dealing in whatever form, or of whatever description or nature, which results in any right, interest, title or privilege, whether present or future or whether vested or contingent, in the whole or part of any property being conferred on any person; "diminished in value" in relation to any property means the whole or part of the property being expended, utilised, destroyed, or being subjected to any dealing, process or other act, so that it ceases to exist, or is reduced in value or size;

"document" includes—

(a) any letters, figures, marks, inscription, writing, sign, caricature, picture, drawing, or representation in any form; and

(b) any visual recording (whether of still or moving images) or sound recording, on any substance, material, thing or article;

"holder" in relation to any property includes—

(a) any person who is the owner of, or is in possession, or occupation of, or has the custody or control of that property; or

(b) any person who has any other right, interest, title, claim, or power, duty or obligation in relation to the property; "illegal property" means any property, whether within or outside Ghana which—

(a) is wholly or partly derived or obtained from or by means of any prohibited activity carried out by any person after the commencement of this Law;

(b) is the income, earnings or assets wholly or partly derived or obtained from or by means of any property referred to in paragraph (a);

(c) is wholly or partly derived or obtained from or by means of any property referred to in paragraph (a) or (b);

(d) is wholly or partly traceable or attributable to any property referred to in paragraph (a), (b) or (c), or to any income, earnings or assets of any such property;

(e) after the commencement of this Law, is or was used to assist or facilitate any prohibited activity;

(f) is the subject matter of an offence under this Law committed after the commencement of this Law; or

(g) which, due to any circumstance such as, but not limited to, its nature, value, location or place of discovery, or the time, manner or place of its acquisition, or the person from whom it was acquired, or its proximity to other property referred to in the foregoing paragraphs, can be reasonably believed to be property falling within the scope of any of the foregoing paragraphs;

"lawful authority" means authority given by such person or body as the Secretary for Health may prescribe;

"narcotic drug offence" means an offence specified in Part I and section 10, 11 and 12 of this Law or under a corresponding foreign law;

"prohibited activity" means any act, activity, or conduct taking place in whole or in part within or outside Ghana which—

(a) constitutes an offence under this Law, or under any corresponding foreign law or which constitutes a narcotic drug offence; or

(b) although not constituting an offence referred to in paragraph (a), is of such a nature or occurs in such circumstances that it would have ultimately resulted in or led to the commission of such an offence;

"property" means any movable or immovable property and includes tangible and intangible property;

"purchaser in good faith for valuable consideration" means any transferee, assignee, chargee, mortgagee, pledgee, holder of a lien, or lessee, of any property where the transfer, assignment, charge, mortgage, pledge, lien, or lease was obtained by him for adequate valuable consideration in money or money's worth, without notice—

(a) that the property is illegal property; or

(b) of any circumstances from which, if reasonable inquiries had been made, it might have been discovered that the property is illegal property;

"Secretary" means the Provisional National Defence Council Secretary responsible for the Interior.

63. The following provisions of the Pharmacy and Drugs Act 1961

(Act 64) which relate to narcotic drugs are hereby repealed—

Sections 28 (2), 40(2), 44(3), 45,46(2), Part VI, section 57(2), (3), (3 A) and (5) and Part II of the Second Schedule to the Act.

The isomers, unless specifically excepted, of the drugs in this Schedule whenever the existence of such isomers is possible within specific chemical designation;

The esters and ethers, unless appearing in another Schedule, of the drugs in this Schedule whenever the existence of such esters or ethers is possible;

The salts of the drugs listed in this Schedule, including the salts of esters, ethers and isomers as provided above whenever the existence of such salts is possible.

Made this 24th day of May, 1990.

FLT-LT. JERRY JOHN RAWLINGS Chairman of the Provisional National Defence Council

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